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Robert L. Leberman*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KPG INVESTMENTS INC., a Nevada
corporation; KENDALLE GETTY, an individual,

Case No.:
3:22-cv-00236-ART-CLB

Plaintiffs,

v.

MARLENA SONN, an individual; AND DOES
1-20,

Defendant.

MARLENA SONN,

Consolidated with:
3:22-cv-00323-ART-CLB

Plaintiff,

v.

KENDALLE P. GETTY, as Trustee of the
Pleiades Trust and as an individual, KPG
INVESTMENTS, INC., as Trustee of the
Pleiades Trust, ALEXANDRA SARAH
GETTY, as Trustee of the Pleiades Trust and as
an individual, ASG INVESTMENTS, INC., as
Trustee of the Pleiades Trust, MINERVA
OFFICE MANAGEMENT, INC., and
ROBERT L. LEBERMAN,

**ORDER GRANTING JOINT RULE
26(f) REPORT AND
STIPULATED DISCOVERY PLAN
AND SCHEDULING ORDER**

**SPECIAL SCHEDULING REVIEW
REQUESTED**

Defendants.

1 KPG Investments Inc., Kendalle Getty, Alexandra Sarah Getty, ASG Investments, Inc.,
 2 Minerva Office Management, Inc., Robert L. Leberman, and Marlena Sonn (collectively, the
 3 “Parties”), by and through their respective counsel of record, jointly certify that they conferred and
 4 submit their Joint Rule 26(f) Report and [Proposed] Stipulated Discovery Plan and Scheduling Order
 5 in accordance with Federal Rules of Civil Procedure 16 and 26(f) and Local Rule (“LR”) 26-1.

6 **I. PROPOSED DISCOVERY PLAN**

7 a. The parties anticipate discovery on all subjects related to this case. The parties do not
 8 believe that discovery should be conducted in phases or be limited to or focused on particular issues.

9 b. There may be a need to take depositions outside of Nevada, given the physical location
 10 of anticipated persons with knowledge. The parties will meet and confer about the possibility of
 11 conducting this discovery through remote deposition methods as appropriate. To that end, the Parties
 12 have agreed to the Stipulation Regarding Remote Depositions, filed concurrently herewith.

13 c. The parties agree that all discovery requests and responses and any other discovery-
 14 related documents shall be served on counsel via electronic mail. Such electronic service shall be
 15 deemed effective on the date sent and shall not trigger any additional time to respond or otherwise
 16 act. To comply with LR 26-7, originals of responses to written discovery requests must also be served
 17 on the party who served the discovery requests, and that party must make the originals available at
 18 the pretrial hearing, at trial, or when ordered by the court. Notwithstanding anything stated herein to
 19 the contrary, documents produced in response to Rule 34 Requests shall be produced electronically
 20 through an FTP site or its equivalent, or as otherwise agreed by the parties.

21 d. The Parties have agreed to the Stipulation and Order Regarding Protocol Governing
 22 Production of Electronically Stored Information, filed concurrently herewith.

23 e. The Parties anticipate that confidential, privileged, commercially sensitive, and
 24 proprietary information may be disclosed as part of this litigation. To that end, the Parties have agreed
 25 to the [Proposed] Stipulated Protective Order, filed concurrently herewith.

26 f. KPG Investments Inc., Kendalle Getty, Alexandra Sarah Getty, ASG Investments,
 27 Inc., Minerva Office Management, Inc., Robert L. Leberman believe that the limits on the number of
 28 depositions and the time limit for depositions is not feasible in this case given the number of parties,

claims, and complex factual background, particularly for party-deponents. Marlena Sonn disagrees and believes that at bottom, this is a straight-forward breach of contract / retaliation action with a narrow set of issues and claims to resolve. The parties will meet and confer following initial disclosures to determine whether appropriate adjustments to the limits on the number of depositions and the time limits for certain depositions can be reached. The parties reserve their right to seek relief from this Court if no stipulation can be reached.

g. The parties agree that this case does not warrant a departure from the presumptive limits on the number of interrogatories set forth in Fed. R. Civ. P. 30 and 33. It is anticipated that depositions will be recorded by audiovisual or stenographic means, as appropriate and desired.

II. PROPOSED SCHEDULING ORDER

a. **Fed. R. Civ. P. 26(a)(1) Disclosures (Initial):** The parties agree to produce Initial Disclosures under Fed. R. Civ. Pro. 26(a)(1) on or before April 6, 2023;

b. **Discovery Cut-Off:** This action was stayed until February 8, 2023, pursuant to the Parties' *Joint Stipulation and Proposed Order to Consolidate Cases, Participate in Voluntary Settlement Conference, and Stay Action Pending Settlement Conference* [Doc. 13]. The number of days required for discovery shall be 270 days. Discovery will close on November 6, 2023.

c. **Amending the Pleadings and Adding Parties:** The deadline for filing motions to amend the pleadings or to add parties is August 8, 2023 (90 days before the close of discovery)

d. **Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):**

i. Initial Experts: September 7, 2023 (60 days before the close of discovery)

ii. Rebuttal Experts: October 9, 2023 (30 days after initial disclosures)

e. **Dispositive Motions:** The deadline for filing dispositive motions is December 6, 2023 (30 days after close of discovery)

f. **Joint Pretrial Order:** January 5, 2024 (30 days after the dispositive-motion deadline). If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.

g. **Fed. R. Civ. P. 26(a)(3) Disclosures (Pretrial):** The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections to them must be included in the joint pretrial order.

1 **III. ALTERNATIVE DISPUTE RESOLUTION**

2 The parties certify that they met and conferred about the possibility of using alternative
3 dispute-resolution processes including mediation, arbitration, and, if applicable, early neutral
4 evaluation. The parties have already participated in Settlement Conference before Magistrate Judge
5 Robert A. McQuaid, at which a settlement was not reached. The Parties will continue to consider the
6 possibility of revisiting alternative dispute-resolution methods as litigation proceeds.

7 **IV. TRIAL BY A MAGISTRATE JUDGE**

8 The parties certify that they considered consenting to trial by a magistrate judge under 28 U.S.
9 C. § 636(c) and Fed. R. Civ. P. 73 and using the Short Trial Program (General Order 2013-01).
10 Presently, neither party intends to proceed in this manner.

11 **V. ELECTRONIC EVIDENCE AT TRIAL**

12 The parties certify that they discussed whether they intend to present evidence in
13 electronic format to jurors for the purposes of jury deliberations. The parties anticipate presenting
14 such evidence. The parties will work cooperatively to reach stipulations regarding providing
15 discovery in an electronic format compatible with the court's electronic jury evidence display system.

16 **IT IS SO STIPULATED.**

17 DATED: April 7th, 2023
18 **GUNDERSON LAW FIRM**

DATED: April 7th, 2023
MCDONALD CARANO LLP

19 By: /s/ Mark H. Gunderson
20 Mark H. Gunderson, Esq.
21 Austin K. Sweet, Esq.
22 *Attorneys for Minerva Office Management, Inc. and Robert L. Leberman*

By: /s/ Leigh T. Goddard
Leigh T. Goddard, Esq.
Daniel I. Aquino, Esq.
Tara U. Teegarden, Esq.
Attorneys for KPG Investments, Inc. and Kendalle Getty

23 DATED: April 7th, 2023
24 **PAUL HASTINGS LLP**

DATED: April 7th, 2023
LEMONS, GRUNDY & EISENBERG

25 By: /s/ Ryan D Derry
26 Ryan D. Derry, Esq.
27 *Attorney for Alexandra Sarah Getty and ASG Investments, Inc.*

By: /s/ Alice Campos Mercado
Alice Campos Mercado, Esq.
Attorney for Alexandra Sarah Getty and ASG Investments, Inc.

1 DATED: April 7th, 2023
2 **ROGER WENTHE, PLLC**

3 By: /s/ Roger Wenthe
4 Roger Wenthe, Esq.

5 **POLLOCK COHEN LLP**

6
7 By: /s/ Adam Pollock
8 Adam Pollock, Esq. (*pro hac vice*)
9 Christopher Leung, Esq. (*pro hac vice*)
Attorneys for Marlana Sonn

10 **IT IS SO ORDERED.**

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13 **UNITED STATES MAGISTRATE JUDGE**

14 **DATED:** April 10, 2023.
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